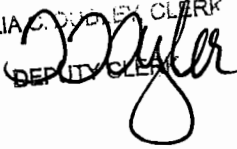


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JULIA C. DODD, CLERK
BY: 

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 5:10CR00002
)	(CASE NO. 5:17CV81276)
)	
v.)	MEMORANDUM OPINION
)	
TRAVIS NICODEMUS GRADY,)	By: Hon. Glen E. Conrad
)	United States District Judge
Defendant.)	

Travis Nicodemus Grady, a federal inmate proceeding pro se, has submitted a motion to vacate, set aside or correct the sentence under 28 U.S.C. § 2255 (ECF No. 94). Grady contends that the court should reopen his original § 2255 motion to reconsider his sentence in light of United States v. Burrage, ___ U.S. ___, 134 S. Ct. 881 (2014). After review of the record in this case and Grady's current submission, the court concludes that his motion must be summarily dismissed as a successive § 2255 motion.

On July 14, 2010, Grady pleaded guilty, pursuant to a plea agreement to one count of distribution of heroin resulting in serious bodily injury, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C). Among other things, under the agreement, Grady waived his right to bring a collateral attack regarding his plea and sentence. The court sentenced Grady to 262 months in prison, and Grady did not appeal. In November 2015, Grady filed a § 2255 motion, seeking relief under the Burrage decision and raising other claims. The court denied the § 2255 motion as untimely filed and without merit. United States v. Grady, No. 5:10CR00002/5:14CV80780, 2015 WL 4773236 (W.D. Va. Aug. 12, 2015), appeal dismissed, 627 F. App'x 193 (4th Cir. 2015).

This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit. See 28 U.S.C.

§ 2255(h). Grady offers no indication that he has obtained certification from the court of appeals to file a second or successive § 2255 motion. Therefore, the court will summarily dismiss his current motion without prejudice as a successive. A separate order will be entered this day.

The clerk is directed to send copies of this memorandum opinion and accompanying order to the defendant.

ENTER: This 7th day of November, 2017.



United States District Judge